

3626

Attorney's Docket No. 28331.010200  
Application Serial No. 09/240,053  
Reply to Request for Information of February 6, 2005

**PATENT**  
**Attorney Docket No. 28331.010200**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: )  
Clement W. BOWMAN ) Confirmation No.: 6857  
Serial No.: 09/240,053 ) Group No.: 3626  
Filed: January 29, 1999 ) Examiner: KALINOWSKI, Alexander  
For: COMPUTERIZED PROCESS FOR MEASURING THE VALUE OR  
PERFORMANCE OF AN ORGANIZATION OR INTANGIBLE ASSET

**RESPONSE TO REQUIREMENT FOR INFORMATION TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE  
UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL  
IN AN ENVELOPE TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA  
22313-1450.

ON March 3, 2005

BY Sandra Ferony  
Sandra Ferony

1. Transmitted herewith is a Response to Requirement for Information in response to the outstanding Requirement for Information Under 37 C.F.R. § 1.105 mailed on February 9, 2005, in the above-referenced application.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal (Corrections) Informal  
☐ Information Disclosure Statement (PTO Form 1449 and 27 Listed References)  
☒ Exhibits A-C

3. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time
- ☐ If an extension of time is required, please consider this a Petition therefor.

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☐ An extension for \_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Fee Payment

☒ No Fee is to be paid at this time

☐ The Commissioner is hereby authorized to charge \$125.00 to Deposit Account No. 50-0653, for addition of five dependent claims in excess of fifty-seven previously paid.

☒ The Commissioner is also hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to **Deposit Account No. 50-0653.**

Date: March 3, 2005

Respectfully submitted,

By: 

James E. Goepel

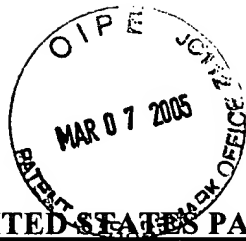
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Attorney Docket No: 28331.010200

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In re application of :  
Clement W. BOWMAN : Group Art Unit: 3626  
Serial No.: 09/240,053 : Examiner: Kalinowski  
Filed: January 29, 1999 : Confirmation No.: 6857  
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ON March 3, 2005

BY Sandra Ferony  
Sandra Ferony

SIR:

The Applicant and Assignee of the referenced Application submit the following  
response to the Requirement for Information Under 37 C.F.R. 1.105 mailed February 9,  
2005:

**RESPONSE**

The Examiner has noted an article authored by the present inventor which is not  
itself prior art but makes reference to tools developed by the applicant prior to the priority  
date of the instant application. The Examiner requires submission of any known  
publications, brochures, manuals and press releases that describe the associated products  
and services that were available or known to the public prior to Applicant's priority date.

Applicant thanks the Examiner for the brief telephone conversation on March 2, 2005, wherein the Examiner confirmed that the Request does not seek documents used only internally by Applicant or documents which were disclosed to third parties only under confidentiality.

The Applicant and the Assignee provide herein a complete response to the requirement for information. Three documents within the scope of the Examiner's request are known to the Applicant and Assignee. The first, attached hereto as Exhibit A, is a one-page flyer that is believed to have been handed out to prospective clients as an overview of the Applicant's products/services. The second, attached hereto as Exhibit B, is a brochure believed to have been issued by a third party, KPMG Peat Marwick. The third, attached hereto as Exhibit C, is a paper entitled "Measuring Good Research Management" authored by the present inventor.

Like the Blake reference which is of-record, the documents merely disclose charts which are intended to express the differences between different managerial styles or characteristics of an organization. They fail to teach or suggest the recited step of scoring performance criteria statements, fail to teach or suggest the recited step of summing a plurality of scores obtained by that scoring step, and fail to teach or suggest physically plotting a point on a chart at a location corresponding to first and second total scores.

Applicant wishes to remind the Examiner that "ProGrid" is a name that Applicant has used to identify a series of methodologies that have been developed by Applicant since 1993 and that have evolved substantially during that time period. Thus, it absolutely cannot be implied that anything the inventor or Assignee designated "ProGrid"

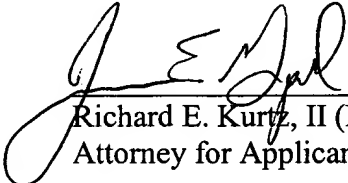
after the inventor's present filing date is the same as anything that was designated "ProGrid" prior to the inventor's filing date.

This Response shall not be interpreted as an admission that any documents submitted herewith constitute prior art.

### **CONCLUSION**

Having fully complied with the Requirement for Information, it is submitted that claims 1-20 are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

Respectfully submitted,

 (50,831) FOR RICHARD E. KURTZ, II  
Richard E. Kurtz, II (Reg. No. 33,936)  
Attorney for Applicants

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